

Introduced by Senator Hollingsworth

February 23, 2006

An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1486, as introduced, Hollingsworth. Alcoholic beverages: places of consumption.

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is acquired, possessed, or used at a professional minor league baseball game conducted at the stadium of a community college located in a county with a population of less than 250,000 inhabitants, as specified.

This bill would provide that the prohibition against the sale or consumption of alcoholic beverages on the grounds of a public schoolhouse does not apply if the grounds on which the alcoholic beverage is acquired, possessed, used, or consumed is property of a community college that is leased, licensed, or otherwise provided for use as a water conservation demonstration garden and community passive recreation resource by a joint powers agency, as provided, the event at which the alcoholic beverage is acquired, possessed, used, or consumed is conducted pursuant to a written policy adopted by the governing body of the joint powers board, and no public funds are used for the purchase or provision of the alcoholic beverages, as specified.

This bill makes findings regarding the importance of water conservation and the necessity for special legislation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) The waters of this state are of limited supply and are
4 subject to ever increasing demands.
5 (b) The continuation of California's economic prosperity is
6 dependent on adequate supplies of water being available for
7 future use.
8 (c) It is the policy of the state to promote the conservation and
9 efficient use of water and to prevent the waste of this valuable
10 resource.
11 (d) Landscapes are essential to the quality of life in California
12 by providing areas for active and passive recreation and as an
13 enhancement to the environment by cleaning air and water,
14 preventing erosion, offering fire protection, and replacing
15 ecosystems lost to development.
16 (e) Landscape design, installation, and maintenance can and
17 should be water efficient.
18 (f) Demonstration gardens that show the benefits of using
19 water efficient landscaping should be promoted and any
20 accommodations that can be made to help these demonstration
21 gardens be economically sustainable should be supported.
22 SEC. 2. Section 25608 of the Business and Professions Code
23 is amended to read:
24 25608. (a) Every person who possesses, consumes, sells,
25 gives, or delivers to any other person, any alcoholic beverage in
26 or on any public schoolhouse or any of the grounds thereof, is
27 guilty of a misdemeanor. This section does not, however, make it
28 unlawful for any person to acquire, possess, or use any alcoholic
29 beverage in or on any public schoolhouse, or on any grounds
30 thereof, if any of the following applies:
31 (1) The alcoholic beverage possessed, consumed, or sold,
32 pursuant to a license obtained under this division, is wine that is
33 produced by a bonded winery owned or operated as part of an
34 instructional program in viticulture and enology.

1 (2) The alcoholic beverage is acquired, possessed, or used in
2 connection with a course of instruction given at the school and
3 the person has been authorized to acquire, possess, or use it by
4 the governing body or other administrative head of the school.

5 (3) The public schoolhouse is surplus school property and the
6 grounds thereof are leased to a lessee which is a general law city
7 with a population of less than 50,000, or the public schoolhouse
8 is surplus school property and the grounds thereof are located in
9 an unincorporated area and are leased to a lessee which is a civic
10 organization, and the property is to be used for community center
11 purposes and no public school education is to be conducted
12 thereon by either the lessor or the lessee and the property is not
13 being used by persons under the age of 21 years for recreational
14 purposes at any time during which alcoholic beverages are being
15 sold or consumed on the premises.

16 (4) The alcoholic beverages are acquired, possessed, or used
17 during events at a college-owned or college-operated veterans
18 stadium with a capacity of over 12,000 people, located in a
19 county with a population of over six million people. As used in
20 this subdivision, “events” mean football games sponsored by a
21 college, other than a public community college, or other events
22 sponsored by noncollege groups.

23 (5) The alcoholic beverages are acquired, possessed, or used
24 during an event not sponsored by any college at a performing arts
25 facility built on property owned by a community college district
26 and leased to a nonprofit organization which is a public benefit
27 corporation formed under Part 2 (commencing with Section
28 5110) of Division 2 of Title 1 of the Corporations Code. As used
29 in this subdivision, “performing arts facility” means an
30 auditorium with more than 300 permanent seats.

31 (6) The alcoholic beverage is wine for sacramental or other
32 religious purposes and is used only during authorized religious
33 services held on or before January 1, 1995.

34 (7) The alcoholic beverages are acquired, possessed, or used
35 during an event at a community center owned by a community
36 services district and the event is not held at a time when students
37 are attending a public school-sponsored activity at the center.

38 (8) The alcoholic beverage is wine which is acquired,
39 possessed, or used during an event sponsored by a community
40 college district or an organization operated for the benefit of the

1 community college district where the college district maintains
2 both an instructional program in viticulture on no less than five
3 acres of land owned by the district and an instructional program
4 in enology, which includes sales and marketing.

5 (9) The alcoholic beverage is acquired, possessed, or used at a
6 professional minor league baseball game conducted at the
7 stadium of a community college located in a county with a
8 population of less than 250,000 inhabitants, and the baseball
9 game is conducted pursuant to a contract between the community
10 college district and a professional sports organization.

11 (10) The alcoholic beverages are acquired, possessed, or used
12 during events at a college-owned or college-operated stadium or
13 other facility. As used in this subdivision, “events” means
14 fundraisers held to benefit a nonprofit corporation that has
15 obtained a license pursuant to this division for the event.
16 “Events” does not include football games or other athletic
17 contests sponsored by any college or public community college.
18 This subdivision shall not apply to any public education facility
19 in which any grade from kindergarten to grade 12, inclusive, is
20 schooled.

21 (11) The alcoholic beverages are possessed, consumed, or
22 sold, pursuant to a license obtained under this division, for an
23 event during the weekend or at other times when pupils are not
24 on the grounds of an overnight retreat facility owned and
25 operated by a county office of education in a county of the 18th
26 class.

27 (12) The grounds of the public schoolhouse on which the
28 alcoholic beverage is acquired, possessed, used, or consumed is
29 property that has been developed and is used for residential
30 facilities or housing that is offered for rent, lease, or sale
31 exclusively to faculty or staff of a public school or community
32 college.

33 *(13) The grounds of a public schoolhouse on which the*
34 *alcoholic beverage is acquired, possessed, used, or consumed is*
35 *property of a community college that is leased, licensed, or*
36 *otherwise provided for use as a water conservation*
37 *demonstration garden and community passive recreation*
38 *resource by a joint powers agency comprised of public agencies,*
39 *including the community college, and the event at which the*
40 *alcoholic beverage is acquired, possessed, used, or consumed is*

1 *conducted pursuant to a written policy adopted by the governing*
2 *body of the joint powers agency and no public funds are used for*
3 *the purchase or provision of the alcoholic beverage.*

4 (b) Any person convicted of a violation of this section shall, in
5 addition to the penalty imposed for the misdemeanor, be barred
6 from having or receiving any privilege of the use of public school
7 property which is accorded by Article 2 (commencing with
8 Section 82537) of Chapter 8 of Part 49 of the Education Code.

9 SEC. 3. The Legislature finds and declares that Section 2 of
10 this act, which is applicable only to the water conservation
11 demonstration gardens, is necessary in order to utilize water
12 conservation demonstration gardens as a means to promote water
13 conservation throughout the state, by having events at those
14 conservation demonstration gardens that are open to the residents
15 of the state.